

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ADRIAN DARCY SHAW,

Plaintiff,

v.

MARISSA ULMAN, et al.,

Defendants.

No. 4:19-cv-3319-RLW

MEMORANDUM AND ORDER

This matter is before the Court on the motion of plaintiff Adrian Darcy Shaw, registration number 178023, for leave to commence this civil action without prepayment of the filing fee. The motion will be denied, and this case will be dismissed without prejudice to the filing of a fully-paid complaint.

Plaintiff is a prisoner who, while incarcerated, has filed at least three civil actions that were dismissed on the grounds that they were frivolous, malicious, or failed to state a claim upon which relief may be granted.¹ The Prison Litigation Reform Act of 1996 provides, in relevant part:

In no event shall a prisoner bring a civil action ... under this section if the prisoner has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action ... in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

¹ See *Shaw v. Johnson, et al.*, Case No. 4:15-cv-1639-SNLJ (E.D. Mo. Jan. 27, 2016); *Shaw v. Fite*, Case No. 4:17-cv-1545-SPM (E.D. Mo. Jul. 26, 2017); *Shaw v. Fite, et al.*, Case No. 4:17-cv-2726-SNLJ (E.D. Mo. Dec. 27, 2017).

28 U.S.C. § 1915(g). Therefore, plaintiff may proceed in forma pauperis in this action only if he “is under imminent danger of serious physical injury.” *Id.*

Having reviewed the complaint, the Court finds no allegations that would show that plaintiff is under imminent danger of serious physical injury. He therefore may not proceed in forma pauperis in this action. As a result, the Court will deny the motion, and dismiss this action without prejudice to the filing of a fully-paid complaint.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion for leave to proceed in forma pauperis (ECF No. 2) is **DENIED**.

IT IS FURTHER ORDERED that this case is **DISMISSED** without prejudice to the filing of a fully-paid complaint. A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that plaintiff’s Motion to Appoint Counsel (ECF No. 4) is **DENIED** as moot.

Dated this 2nd day of January, 2020.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE